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Attorney General Anthony Brown Announces Lawsuit Challenging Anticompetitive Kroger, Albertsons Merger

BALTIMORE, MD (February 26, 2024) – Maryland Attorney General Anthony G. Brown, along with a bipartisan coalition of eight other states, and the Federal Trade Commission (FTC) today announced the filing of a lawsuit seeking to block the proposed merger of The Kroger Company (Kroger) and Albertsons Companies, Inc. (Albertsons).

Kroger and Albertsons are the two largest national supermarket chains. Together, the companies employ approximately 710,000 people nationwide and thousands of people across more than 80 stores right here in Maryland.

“Americans spend more of their income on food than they have in decades. As Attorney General, I will not hesitate legal action to ensure Maryland families have access to affordable prices, a wide selection, and high-quality groceries,” **said Attorney General Brown**. “I will also aggressively challenge anticompetitive corporate deals to ensure all Marylanders have the benefits of more, not less competition, in the marketplace.”

Attorney General Brown also issued a full statement to the people of Maryland about this action his office took today, which can be found here: https://youtu.be/7jD0qbxXGJ0?si=2_XuZqzTmmbP0Xgi.



The lawsuit alleges that the merger violates the federal Clayton Act. The Clayton Act prohibits the merger of firms if the merger may substantially reduce competition or create a monopoly. Businesses with fewer competitors can charge higher prices to consumers, reduce the quality and quantity of the products that they sell, and offer lower-quality customer service. In addition, anticompetitive supermarket mergers can impose other harms, including reduced labor market competition, which may lower wages or slow wage growth, worsen benefits or working conditions, and otherwise lower workplace quality.

In August 2023, the Maryland Office of the Attorney General published an online survey on its website to give Marylanders an opportunity to provide input on the Kroger/Albertsons merger. When asked how such a merger “might affect you and your community,” a majority of Marylanders who responded to the survey, nearly 60 percent, expressed concerns that it could lead to “decreased competition,” “lower quality,” “less product diversity,” and would “inevitably [wreak] havoc on pricing and food availability.”

In filing today's lawsuit, Attorney General Brown joins the FTC and the Attorneys General of Arizona, California, the District of Columbia, Illinois, Nevada, New Mexico, Oregon, and Wyoming. A copy of the filed lawsuit will be made available at a later time.

Marylanders can continue providing their feedback to our Office by visiting www.marylandattorneygeneral.gov and completing the Kroger/Albertsons merger survey featured on our front page or by clicking here: <https://bit.ly/K-A-MergerSurvey>.

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<https://www.marylandattorneygeneral.gov/press/2024/022624.pdf>